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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,362	06/15/2005	Ralph Kurt	NL 021426	7350
24737 7590 02/05/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
			EXAMINER MULVANEY, ELIZABETH EVANS	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/539,362

Applicant(s)

KURT ET AL.

Examiner

Elizabeth E. Mulvaney

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/7/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 6,033,752.

The reference discloses a medium which comprises a recording layer formed of two layers which form alloy inclusions when exposed to a write beam and where the inclusions and the as-deposited layers differ in optic properties to allow modulation of a read beam. The recording layers may be formed of the claimed materials. The medium may be double-sided. The medium may have a dielectric layer between the substrate and recording layer, may include a spacer layer, and may include a reflective layer. See Examples and Tables.

Claims 1, 14, 17, 18, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,477,819.

The reference discloses a medium which comprises a recording layer formed of two layers which form alloy inclusions when exposed to a write beam and where the inclusions and the as-deposited layers differ in optic properties to allow modulation of a read beam. The medium includes a cover layer. See Figure 3.

Claims 1, 14, 17, 18, and 202-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,733,623.

The reference discloses a medium which comprises a recording layer formed of two layers which form alloy inclusions when exposed to a write beam and where the inclusions and the as-

Art Unit: 1794

deposited layers differ in optic properties to allow modulation of a read beam. The medium includes a cover layer. See Figure 1.

Claims 1, 5, 7-11, 1-18, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,365,256.

The reference discloses a medium which comprises a recording layer formed of two layers which form alloy inclusions when exposed to a write beam and where the inclusions and the as-deposited layers differ in optic properties to allow modulation of a read beam. The medium may include a dielectric layer and cover layer. The alloy inclusion composition may be determined by the thickness of each recording layer. See Example 2.

Claims 1, 8-12, 14, 16-18 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,841,218.

The reference discloses a medium which comprises a recording layer formed of two layers which form alloy inclusions when exposed to a write beam and where the inclusions and the as-deposited layers differ in optic properties to allow modulation of a read beam. The medium may include a dielectric layer, reflective layer and cover layer. See Figure 1.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached at (571) 272-1398. The fax number for the organization where the application is assigned is (571) 273-8307. Information regarding the status of an application may be obtained from the Patent Application Information retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR System, see <http://pair-direct.uspto.gov>. Should you have questions

Application/Control Number: 10/539,362

Page 4

Art Unit: 1794

on access to the Private PAIR System, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



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